

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	Case No.: 2:08-cr-025-WHA
)	
FIDEL CORREA-BERMUDEZ)	

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, **FIDEL CORREA-BERMUDEZ**, by and through undersigned counsel, Michael J. Petersen, and pursuant to 18 U.S.C. § 3161(h), respectfully moves this Court to continue this matter from April 7, 2008 trial docket.

In support of this motion, the Defendant would show that such continuance will serve the ends of justice, and will permit undersigned counsel to properly investigate this matter in order to advise Mr. Correa-Bermudez as to the ramifications of either a trial or a negotiated settlement, or an open plea, based on the following circumstances:

1. The attorney for the Government in this case, Susan Redmond, Esq., does not oppose this motion.
2. On January 9, 2008, a single-count Indictment was returned against Mr. Correa-Bermudez alleging violation of 8 U.S.C. §1326(a). (Doc #1).
3. On February 27, 2008, an Arraignment was held and Mr. Correa-Bermudez entered pleas of not guilty as to the count contained in the Indictment. (Doc #8).
4. Undersigned counsel has had discussions with the government and as a result of these discussions, additional investigation is required. Undersigned counsel needs additional time to adequately prepare for trial or negotiate a pretrial resolution of this matter. As such, a continuance

is essential to complete the investigation of this case. Such investigation cannot be completed by the April 7, 2008 trial date.

5. While requests for a continuance are addressed to the sound discretion of the trial court, *United States v. Darby*, 744 F.2d 1508, 1521(11thCir. 1984), *reh'g denied* 749 F.2d 733, *cert. denied*, 471 U.S. 1100 (1985), undersigned counsel feels that, in this case, the ends of justice will be served by allowing the defense adequate time to review all potentially relevant information and to complete a proper investigation in order to either adequately prepare a defense to the charge contained in the Indictment or to negotiate a plea agreement. Without such a continuance, undersigned counsel would be deficient in his professional responsibilities if he were to go forward without having undertaken the additional investigation which is now required and then completely reviewed and discussed the ramifications of either plea or trial with his client.

WHEREFORE, based upon the foregoing, the Defendant, by and through undersigned counsel moves this Court for an Order continuing this matter to this Court's next regular Northern Division trial term in order to properly pursue an investigation and make an informed decision as to whether to proceed to trial or negotiate a pre-trial resolution of this matter.

Dated this 20th day of March, 2008.

Respectfully submitted,

s/ Michael J. Petersen
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ASB-5072-E48M

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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Susan R. Redmond, Esq., Assistant U.S. Attorney, 131 Clayton Street, Montgomery, AL 36101.

Respectfully submitted,

s/ Michael J. Petersen
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